

APPEAL NO. 021037
FILED JUNE 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 9, 2002. The hearing officer decided that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the first quarter. The respondent (carrier) appealed and the claimant responded, urging affirmance.

DECISION

Reversed and rendered.

The parties stipulated that the qualifying period for the first quarter of SIBs began on July 22, 2001, and ended on October 21, 2001. The claimant submitted into evidence her Application for [SIBs] (TWCC-52) in support of her assertion that she made a good faith effort to seek employment during the qualifying period for the first quarter of SIBs. In deciding that the claimant is entitled to SIBs for the first quarter, the hearing officer determined that the claimant had made a good faith effort to seek employment during the qualifying period. In her statement of the evidence, the hearing officer states, "The evidence contained a TWCC-52 form that enumerated twenty-five job contacts with at least one made every week of the qualifying period."

Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(5) (Rule 130.102(d)(5)) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee "has provided sufficient documentation as described in subsection (e) of this section to show that he or she has made a good faith effort to obtain employment." Subsection (e) of Rule 130.102 provides, in relevant part, that "an injured employee who has not returned to work and is able to return to work in any capacity shall look for employment commensurate with his or her ability to work every week of the qualifying period and document his or her job search efforts." Our review of the evidence, including the claimant's TWCC-52, reveals that the claimant failed to document a job search during week 12 of the qualifying period. The claimant documented no job search between October 5, 2001, and October 15, 2001. Therefore, the claimant is not entitled to SIBs for the first quarter as a matter of law as having failed to meet the requirements of Rule 130.102(e).

The hearing officer's decision and order that the claimant is entitled to SIBs for the quarter is reversed, and a new decision is rendered that the claimant is not entitled to SIBs for the first quarter as a matter of law.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**C.T. CORPORATION
350 N. ST. PAUL STREET
DALLAS, TEXAS 75201.**

Daniel R. Barry
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge